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THE CLAIMS:

Claim 1 (Currently Amended) A polyaxial head bone screw assembly for surgical implantation and comprising:

- (a) a shank having a threaded body adapted to be implanted in a bone and a capture end;
- (b) a head having a channel adapted to receive a rod within said channel, said head having a bore formed therethrough sized and shaped to allow uploading of said shank therethrough and so as to receive said shank when assembled;
- (c) said capture end of said shank being operably received within said ~~shank~~ receiving bore of said head;
- (d) a retainer ring non integral with said shank and secured on said capture end of said shank so as to rotate with shank relative to said head while in an adjustment configuration and being located within said head to provide a shank and retainer ring structure to retain said capture end within said head and enabling selective angular positioning of said shank with respect to said head, while in an said adjustment configuration; said shank and retainer ring structure extending into said channel such that upon assembly the shank and retainer ring structure is sized and shaped to be adapted to directly engage the rod; and

(e) a closure member operably received in said head in such a manner as to be adapted to engage a rod located within said channel and to urge the rod into engagement with said capture end of said shank in such a manner so as to fixedly position said head relative to such a rod and to secure said head from angular movement relative to said shank, when in a locking configuration.

Claim 2 (Original) An assembly as set forth in Claim 1 wherein:

(a) said retainer ring has an outer surface, of which at least a portion is substantially spherical.

Claim 3 (Original) An assembly as set forth in Claim 2 wherein:

(a) said head has a seating surface, of which at least a portion is substantially spherical and that is sized and positioned to enable slidable mating engagement with said retainer outer surface, when in the adjustment configuration, and that frictionally resists relative movement, when in the locking configuration.

Claim 4 (Original) An assembly as set forth in Claim 1 wherein:

(a) said capture end of said shank has a frusto-conical surface diminishing in diameter toward said shank.

Claim 5 (Original) An assembly as set forth in Claim 4 wherein:

- (a) said retainer ring has a frusto-conical retainer bore formed therethrough to enable mating engagement with said capture end within said retainer bore.

Claim 6 (Original) An assembly as set forth in Claim 1 wherein:

- (a) said retainer ring has a separation to enable resilient expansion and contraction of a diameter of said retainer ring.

Claim 7 (Original) An assembly as set forth in Claim 1 wherein:

- (a) said retainer ring has a substantially radial split to enable resilient expansion and contraction of a diameter of said retainer ring.

Claim 8 (Original) An assembly as set forth in Claim 1 wherein:

- (a) said capture end of said shank has a non-slip formation to enable non-slip engagement with a rod within said channel of said head.

Claim 9 (Original) An assembly as set forth in Claim 1 wherein:

- (a) said capture end of said shank has a knurled dome to enable non-slip engagement with a rod within said channel of said head.

Claim 10 (Original) An assembly as set forth in Claim 1 wherein:

- (a) said capture end of said shank has a tool formation to enable non-slip engagement by a tool.

Claim 11 (Original) An assembly as set forth in Claim 1 wherein:

- (a) said head has an internal guide and advancement structure formed therein; and
- (b) said closure member has a radially outward surface with an external guide and advancement structure formed thereon which is sized and shaped to rotatably mate with said internal guide and advancement structure of said head.

Claim 12 (Original) An assembly as set forth in Claim 1 wherein:

- (a) said head has an internal thread formed therein; and
- (b) said closure member has a radially outward surface with an external thread formed thereon which is configured to rotatably mate with said internal thread of said head.

Claim 13 (Currently Amended) A polyaxial head bone screw assembly for surgical implantation and comprising:

- (a) a shank having a threaded body and a capture end;

- (b) a head having a channel outwardly open and adapted to receive a rod within said channel; said head having a shank mating side with a shank receiving bore formed therethrough; head having a cavity therein open into said bore;
- (c) said capture end of said shank being received within said shank receiving bore of said head;
- (d) a retainer ring with a split therein to enable resilient expansion and contraction of a diameter of said retainer ring; said retainer ring being received in said head cavity and resiliently receiving said capture end of said shank while within said cavity so as to retain said capture end within said head and forming a shank and retainer ring structure wherein the retainer ring rotates with said shank enabling selective angular positioning of said shank with respect to said head when in an assembly configuration; and
- (e) a closure member operably mountable within said head in such a manner as to close said channel and adapted to engage a rod within said channel so as to urge said such a rod into direct engagement with said capture end of said shank and retainer ring structure in such a manner as to secure said head from movement relative to

such a rod and to secure said head from angular movement relative to said shank and retainer ring structure in a locking configuration.

Claim 14 (Currently Amended) An assembly as set forth in Claim 13 wherein:

- (a) said retainer ring has an outer surface, of which at least a portion is substantially spherical; and
- (b) said head cavity has an inner surface, of which at least a portion is substantially spherical to enable mating engagement with said outer surface of said retainer.

Claim 15 (Original) An assembly as set forth in Claim 13 wherein:

- (a) said capture end of said shank has a frusto-conical surface diminishing in diameter toward said shank; and
- (b) said retainer ring has a frusto-conical retainer bore formed therethrough to enable mating engagement with said capture end within said ring bore.

Claim 16 (Original) An assembly as set forth in Claim 13 wherein:

- (a) said retainer ring has a substantially radial split to enable resilient expansion and contraction of a

diameter of said retainer ring.

Claim 17 (Original) An assembly as set forth in Claim 16 wherein:

- (a) said cavity has a first region having a partial hemispherical surface sized and shaped to mate with a partial hemispherical surface on said retainer ring;
and
- (b) said cavity has a second region directly accessible from said first region and having a larger radius than said first region wherein said ring is expandable as it joins with said shank.

Claim 18 (Original) An assembly as set forth in Claim 13 including:

- (a) a knurled dome formed on said capture end of said shank with a non-slip formation.

Claim 19 (Original) An assembly as set forth in Claim 13 wherein:

- (a) said capture end of said shank has a tool formation adapted to enable engagement by a tool for rotation.

Claim 20 (Original) An assembly as set forth in Claim 13 wherein:

- (a) said head has an internal guide and advancement structure formed therein; and

- (b) said closure member has a radially outward surface with an external guide and advancement structure formed thereon which is sized and shaped to rotatably mate with said internal guide and advancement structure of said head.

Claim 21 (Original) An assembly as set forth in Claim 13 wherein:

- (a) said head has an internal mating structure formed therein; and
- (b) said closure member has a radially outward surface with an external mating structure formed thereon which is configured to rotatably mate with said internal mating structure of said head.

Claim 22 (Currently Amended) In a polyaxial head bone screw assembly for surgical implantation and including a shank having a threaded body and a capture end and a head having an outward opening channel open adapted to receive a rod within said channel, said head having ~~with~~ a shank receiving bore formed therethrough, the improvement comprising:

- (a) said capture end of said shank being received within said shank receiving bore of said head;
- (b) a retainer ring that is loaded separately from said shank into said head and being resiliently retained on

said capture end of said shank on a side of said bore opposite said shank body within said head to retain said capture end within said head and enabling selective angular positioning of said shank with respect to said head; said shank and retainer ring being joined in a structure within said head such that said retainer ring rotates with said head during the angular positioning of said shank relative to said head; and

- (c) a closure member operably engageable with said head and adapted to engage a rod within said channel so as to be adapted to urge the rod into direct engagement with said capture end of said shank and retainer ring structure to produce friction between said ring and head as to secure said head from movement relative to such a rod and to secure said head from angular movement relative to said shank and said retainer ring structure in a locking configuration.

Claim 23 (Currently Amended) An assembly as set forth in Claim 21
22 wherein:

- (a) said retainer ring has an outer surface, of which at least a portion is substantially spherical; and
- (b) said head has a cavity with an inner surface, of which at least a portion is substantially spherical and sized and shaped to enable mating engagement with said outer surface of said retainer.

Claim 24 (Currently Amended) An assembly as set forth in Claim 21
22 wherein:

- (a) said capture end of said shank has a frusto-conical surface diminishing in diameter toward said shank; and
- (b) said retainer ring has a frusto-conical retainer bore formed therethrough to enable mating engagement with said capture end within said retainer bore upon expansion of said ring with said ring returning to an original diameter after placement on said shank.

Claim 25 (Currently Amended) An assembly as set forth in Claim 21
22 wherein:

- (a) said retainer ring has a radial split to enable resilient expansion and contraction of a diameter of said retainer ring.

Claim 26 (Currently Amended) An assembly as set forth in Claim 21
22 wherein:

(a) said cavity has an expansion chamber above said head spherical surface that allows expansion of said ring therein as said shank is inserted into said ring.

Claim 27 (Currently Amended) An assembly as set forth in Claim 21
22 wherein:

(a) said capture end of said shank has a dome formation to enable non-slip engagement with a rod within said channel of said head.

Claim 28 (Currently Amended) An assembly as set forth in Claim 21
22 wherein:

(a) said capture end of said shank has a knurled and radiused dome having a radius and being adapted to enable non-slip engagement with a rod within said channel of said head.

Claim 29 (Currently Amended) An assembly as set forth in Claim 21
22 wherein:

(a) said capture end of said shank has a tool formation so as to be adapted enable non-slip engagement by a tool.

Claim 30 (Currently Amended) An assembly as set forth in Claim 21
22 wherein:

- (a) said head has an internal guide and advancement structure formed therein; and
- (b) said closure member has a radially outward surface with an external guide and advancement structure formed thereon which is sized and shaped to rotatably mate with said internal guide and advancement structure of said head.